

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------------|---|---------------------------|
| COSMOS GRANITE (CENTRAL), LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 4:18-CV-1002-CDP |
| vs. |) | |
| |) | |
| RIVER CITY GRANITE & STONE |) | |
| WORKS, LLC, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS 3 RIVERS SOLID SURFACE & REMODELING LLC,
CHANDA KELLEY AND WILLIAM ANDERSON'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

COME NOW Jane Cohen of The Law Offices of Jane Cohen LLC, and Luke A. Baumstark of The Baumstark Firm, LLC, and, pursuant to Federal Rules of Civil Procedure 8(a)(2), 9(b) and 12(b)(6), respectfully move this honorable Court to dismiss Counts V, VI, and VII of Plaintiff's First Amended Complaint as directed against Defendants 3 Rivers Solid Surface & Remodeling LLC, Chanda Kelley, and William Anderson with prejudice at Plaintiff's costs because Plaintiff has failed to state a claim for which relief can be granted as to each of these Counts. Defendants 3 Rivers, Kelly and Anderson further seek such other relief as this Court deems appropriate under the circumstances. A Memorandum in Support of this Motion is filed contemporaneously herewith and sets forth the basis in fact and law for dismissing said Counts.

Respectfully submitted,

/s/ Jane Cohen

Jane Cohen #2844
THE LAW OFFICES OF JANE COHEN LLC
2001 s. Big Bend Blvd.
St. Louis, MO 63117
(314) 881-6145
(314) 644-4303 FAX
jane@janecohen.com

/s/ Luke A. Baumstark

Luke A. Baumstark #56344
THE BAUMSTARK FIRM, LLC
815 Geyer Avenue
St. Louis, MO 63104
(314) 492-6290
(314) 492-6348 FAX
luke@baumstarkfirm.com

CERTIFICATE OF SERVICE

The undersigned certifies that on the 24th day of May, 2019, this document was filed with the court via the CM/ECF system which will send notice to all parties of record.

/s/ Luke A. Baumstark